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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,370	12/09/1999	LOUIS A. LIPPINCOTT	10559/105001	8772
20985	7590	10/14/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			HESSELTINE, RYAN J	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/458,370

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

Ryan J Hesseltine

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 30 August 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,4-8,11-15,19,23,25 and 28.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____

JINGGEWU
PRIMARY EXAMINER

Continuation of 3. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112, 2nd paragraph rejection of claims 15 and 19 and objections to claims 19 and 23.

Continuation of 5. does NOT place the application in condition for allowance because: On page 10, second paragraph, applicant states, "in the system of Tanaka, there is no provision, and in fact no reasonable way, in which the [DCT calculating] devices could operate at the same time and in the same direction." The examiner respectfully disagrees. Tanaka clearly states that the data is first written in row direction by the first DCT calculator 4 (column 11, line 9-15), after which the switching circuit 18 switches the row and column addresses so that the addresses are designated in column order (column 11, line 16-20). Then, each memory location is first read and transmitted to the DCT calculator 6, and subsequently written to by the DCT calculator 4, each memory address (not the direction) being changed after each read/write and still being designated in column order until the entire contents of the memory 2 has been read from and written to (column 11, line 20-34), after which the row and column addresses are again switched and the DCT calculator 6 reads data out of a memory address in the row direction and the calculated results of the DCT calculator 4 are then written to the same address until the last address in the memory 2 (column 11, line 34-40). The examiner must insist that in this embodiment of Tanaka's invention, the calculators operate simultaneously in the same direction. The examiner concedes that each individual memory location is not simultaneously read from and written to, but it is unclear to the examiner how this would be done as writing to a memory location inherently voids the data that was originally stored therein, which would destroy the operation of the one-dimensional DCT calculators 4 and 6, therefore the data must first be read from the memory location before writing, and then new data can be written thereto. On page 8 of the specification starting at line 26, it is disclosed that the IDCT block 36 (Figure 7) starts reading and operating on the intermediate results for the first matrix in row order, outputting its results (the final results) in the same row order and outputting the final result (one computed pixel) per clock cycle. It is then disclosed that the IDCT block 34 starts operating on the second matrix in row order, storing its intermediate results in row order in RAM block 40, then the sequencer block 38 toggles from a row state to a column state and the IDCT blocks 34 and 36 operate on their respective matrices in column order. This clearly shows that each memory location cannot possibly be simultaneously read from and written to.

On page 10, second paragraph onto page 11, applicant states, "Column 12 [of Tanaka] describes how reading with respect to one memory can be performed at the same time his writing during the other memory unit. However, these must inherently be going in different directions at the same time." The cited portion of the Tanaka reference refers to a second embodiment of Tanaka's invention with reference to Figure 11 (column 11, line 41-column 12, line 68). Figure 11 shows two separate memory units to/from which the DCT calculators alternately read/write data. This embodiment does in fact show that the DCT calculator 4 writes data to a first memory unit in a row direction, while the DCT calculator 6 reads data from a second memory unit in a column direction after which the switching circuits 20 and 22 are switched and the directions of reading/writing remain the same, but the operations are done with respect to different memory units (column 11, line 58-67). Once again, the examiner points out that this is a second embodiment of Tanaka's invention that is not relied upon in the rejection.